

In the Matter Of:

LAURIE ORTOLANO vs

CITY OF NASHUA

FRANK LOMBARDI

April 19, 2024

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FRANK LOMBARDI

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<p>1 warnings that you give?</p> <p>2 A. I guess I just try to use common sense,</p> <p>3 and I guess every situation is kind of different,</p> <p>4 you know, it depends on the situation.</p> <p>5 Q. Can you estimate how many no-contact</p> <p>6 warnings you've given over the course of your</p> <p>7 career?</p> <p>8 A. Well, when you say no-contact warnings,</p> <p>9 are you talking about like protection orders that I</p> <p>10 served to people over the years, or just more of a</p> <p>11 vague, like in this case, like no contact --</p> <p>12 Q. Yeah, we'll ratchet down from the</p> <p>13 protection orders. Obviously, am I correct that a</p> <p>14 protection order would have to be issued by a</p> <p>15 court?</p> <p>16 A. Yes. Yeah.</p> <p>17 Q. So we're talking about just police</p> <p>18 warnings, something that might be proactive.</p> <p>19 A. As far as putting a number on that,</p> <p>20 that would be hard to do. I mean, almost every</p> <p>21 domestic violence call we go to where an arrest</p> <p>22 isn't made, we're typically giving some sort of</p> <p>23 warning or advice and telling people to, you know,</p> <p>24 stop whatever behavior they're doing to prevent any</p> <p>25 future issues, so it could be multiple times a day.</p>	<p>1 Q. It happens a lot in the domestic</p> <p>2 situations?</p> <p>3 A. Yeah, domestic situations, neighbor</p> <p>4 disputes, road rage incidences, juvenile matters at</p> <p>5 the schools, I believe -- I mean, our school</p> <p>6 resource officers probably do it multiple times a</p> <p>7 day, every day.</p> <p>8 Q. And obviously less so in those</p> <p>9 instances that you just didn't describe, less more</p> <p>10 common -- less common in the instances that you --</p> <p>11 other than what you described?</p> <p>12 A. I guess I --</p> <p>13 MR. CULLEN: Objection to form. You</p> <p>14 can answer, if you can.</p> <p>15 A. I guess I'm not understanding it, less</p> <p>16 than -- less than what?</p> <p>17 BY MR. MALAGUTI:</p> <p>18 Q. Well, you suggested that they happen</p> <p>19 quite frequently in domestic situations,</p> <p>20 neighborhood situations, juvenile situations, road</p> <p>21 rage situations. Are there other situations where</p> <p>22 you've given no-contact orders? And I'm obviously</p> <p>23 talking about other than this case.</p> <p>24 A. Yeah, I -- I'm sure they have. I mean,</p> <p>25 I don't remember all specifically every instance of</p>
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<p>1 that.</p> <p>2 Q. Okay. And, generally, what is the</p> <p>3 purpose of giving a -- and, again, we're talking</p> <p>4 less than a protection order, just a warning not</p> <p>5 to have contact?</p> <p>6 A. Generally speaking, it's to prevent any</p> <p>7 future issues or need for police involvement.</p> <p>8 Q. Would it be fair to say then that you</p> <p>9 give them only when you anticipate that the</p> <p>10 situation may escalate to a crime?</p> <p>11 A. I don't know if that would be true in</p> <p>12 all cases. I don't know if that would be true in</p> <p>13 all cases.</p> <p>14 Q. Can you give me an example of a case</p> <p>15 where you don't have a fear that the matter may</p> <p>16 escalate to a crime, but you've nonetheless given</p> <p>17 a verbal warning to have no contact?</p> <p>18 A. Oh, I guess an instance of that would</p> <p>19 be issues involving juveniles. If they're</p> <p>20 bothering somebody or fighting with each other or</p> <p>21 whatever it may be, that may be an instance where</p> <p>22 we would intervene and say, hey, you know, whatever</p> <p>23 behavior they're doing, knock it off, stop it, and</p> <p>24 in those cases if they're juveniles, knowing full</p> <p>25 well that we can't arrest a specific juvenile, we</p>	<p>1 would warn them against whatever behavior they're</p> <p>2 doing.</p> <p>3 Q. But it sounds like you've just</p> <p>4 described matters where you are worried about a</p> <p>5 crime happening, even -- regardless of whether you</p> <p>6 can arrest or not.</p> <p>7 A. Okay.</p> <p>8 Q. Well, assault is a crime, right?</p> <p>9 A. Well, I'm not saying that they would be</p> <p>10 assaulting somebody, if they were just making bad</p> <p>11 decisions or maybe, I don't know, climbing on a</p> <p>12 stone wall, you're afraid that they were going to</p> <p>13 get hurt, hey, knock it off, that kind of thing. I</p> <p>14 mean, I guess that would be an instance where a</p> <p>15 police officer could intervene.</p> <p>16 We're kind of going down a deep</p> <p>17 hypothetical road here.</p> <p>18 Q. Sure, it is. I understand that.</p> <p>19 What about with adults, an instance</p> <p>20 where you don't anticipate -- an example of when</p> <p>21 you don't anticipate a crime occurring in the</p> <p>22 future, but you still feel it's appropriate to</p> <p>23 give a verbal warning of no contact?</p> <p>24 A. An instance where I would warn an adult</p> <p>25 not to have contact with another adult when I don't</p>